

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14696 of 2015

Arising Out of PS.Case No. -210 Year- 2014 Thana -COMPLAINT CASE District- JAMUI

- =====
1. Masudan Yadav @ Madhusudan Yadav S/o Late Mangan Yadav
2. Krishna Yadav @ Krishnadeo Yadav S/o Masudan Yadav

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rekha Devi W/o Late Yogendra Prasad Yadav, D/o Prasadi Yadav

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-04-2015 Heard learned counsels for the petitioner and the State.

The petitioners being father and brother of the husband of the complainant are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A/323/504/406/120B/379/409 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioners that the petitioners have no objection in allowing the complainant to enjoy her share of property in her in-laws house.

Though it is stated in paragraph 11 of the petition that the complainant is enjoying her share of property on the basis of oral partition, which reads as such:-

"11. That it is relevant to mention here that it appears from the complaint petition itself that she is living in her in law's house so there is no question of ousting her and she has got oral partition of agricultural land which is sufficient for her livelihood."

Whereas it is submitted by learned counsel for the complainant that still the complainant is not allowed to enjoy her share of property and the complainant is facing difficulty as she has three minor children.

Considering the present stand of the petitioners, let the above named petitioners be released on anticipatory bail for one year in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jamui in connection with Complaint Case No.210C/14, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners shall be accepted on filing of separate affidavit that they will allow the complainant to enjoy her share of property in the in-laws house. The said

affidavit will be transferred to the concerned police station by the learned court below. And if the petitioners will make any violation of the undertaking given before this Court, the learned court below will be at liberty to cancel the bail bonds of the petitioners.

(Dinesh Kumar Singh, J)

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